

## Department of Veterans Affairs

## § 17.84

(x) Opportunities for learning, testing, and internalizing knowledge of illness/recovery process, and to upgrade skills and improve personal relationships.

(7) Data normally maintained and included in a medical record as a function of compliance with State or community licensing standards will be accessible.

(b) Representatives of the Department of Veterans Affairs will inspect the facility prior to award of a contract to assure that prescribed requirements can be met. Inspections may also be carried out at such other times as deemed necessary by the Department of Veterans Affairs.

(c) All requirements in this rule and Department of Veterans Affairs reports of inspection of residential facilities furnishing treatment and rehabilitation services to eligible veterans shall, to the extent possible, be made available to all government agencies charged with the responsibility of licensing or otherwise regulating or inspecting such institutions.

(d) An individual case record will be created for each client which shall be maintained in security and confidence as required by the "Confidentiality of Alcohol and Drug Abuse Patient Records" (42 CFR part 2) and the "Confidentiality of Certain Medical Records" (38 U.S.C. 7332), and will be made available on a need to know basis to appropriate Department of Veterans Affairs staff members involved with the treatment program of the veterans concerned.

(Authority: 38 U.S.C. 1720A)

[47 FR 57708, Dec. 28, 1982. Redesignated and amended at 61 FR 21965, 21967, May 13, 1996; 61 FR 63720, Dec. 2, 1996; 62 FR 17072, Apr. 9, 1997]

### **§ 17.83 Limitations on payment for alcohol and drug dependence or abuse treatment and rehabilitation.**

The authority to enter into contracts shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation acts, and payments shall not exceed these amounts.

(Authority: Pub. L. 96-22, 38 U.S.C. 1720A)

[47 FR 57708, Dec. 28, 1982. Redesignated at 61 FR 21965, May 13, 1996]

## MEDICAL CARE FOR SURVIVORS AND DEPENDENTS OF CERTAIN VETERANS

### **§ 17.84 Medical care for survivors and dependents of certain veterans.**

(a) Medical care may be provided for—

(1) The spouse or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability, and

(2) The surviving spouse or child of a veteran who—

(i) Died as a result of a service-connected disability, or

(ii) At the time of death has a total disability, permanent in nature resulting from a service-connected disability and—

(3) The surviving spouse or child of a person who died in the active military, naval or air service in the line of duty and not due to such person's own misconduct—

(Authority: 38 U.S.C. 1713(a))

who are not otherwise eligible for medical care as beneficiaries of the Armed Forces under the provisions of chapter 55 of title 10 U.S.C. (CHAMPUS) and—

(Authority: 38 U.S.C. 1713)

(4) An eligible child who is pursuing a full-time course of instruction approved under title 38, U.S.C., chapter 36, and who incurs a disabling illness or injury while pursuing such course; between terms, semesters or quarters; or during a vacation or holiday period; which is not the result of his or her own willful misconduct and which results in the inability to continue or resume the chosen program of education shall remain eligible for medical care until:

(i) The end of the six-month period beginning on the date the disability is removed; or

(ii) The end of the two-year period beginning on the date of the onset of the disability; or

(iii) The twenty-third birthday of the child,

whichever occurs first.

(Authority: 38 U.S.C. 1713(c))

(b) Medical care authorized by paragraph (a) of this section shall be provided in the same or similar manner and subject to the same or similar limitations as medical care furnished to certain dependents and survivors of active duty and retired members of the Armed Forces being furnished such care as beneficiaries of the Armed Forces. Furthermore, it shall be provided in accordance with the terms and conditions set forth in an agreement between the Secretary of Veterans Affairs and the Secretary of Defense under which the Secretary of Veterans Affairs shall include coverage for such medical care under the contract, or contracts, entered into to provide medical care to beneficiaries of the Armed Forces, and under which the Secretary of Defense shall fully reimburse the Secretary of Defense for all costs and expenditures made for the purpose of affording the medical care authorized in this section.

(c) In limited situations, the Under Secretary for Health or designee may authorize care and treatment to the class of beneficiaries covered by this section in Department of Veterans Affairs medical facilities which are equipped to provide the care and treatment, and which are not otherwise being utilized for the care of veterans. Such medical care may be furnished on either an inpatient or outpatient basis and may be furnished in either Department of Veterans Affairs medical centers or Department of Veterans Affairs outpatient clinics.

(Authority: 38 U.S.C. 1713(b))

[39 FR 1843, Jan. 15, 1974, as amended at 45 FR 6937, Jan. 31, 1980; 47 FR 58248, Dec. 30, 1982; 48 FR 14378, Apr. 4, 1983. Redesignated and amended at 61 FR 21965, 21967, May 13, 1996]

#### RESEARCH-RELATED INJURIES

##### **§ 17.85 Treatment of research-related injuries to human subjects.**

(a) VA medical facilities shall provide necessary medical treatment to a research subject injured as a result of participation in a research project approved by a VA Research and Development Committee and conducted under the supervision of one or more VA employees. This section does not apply to:

(1) Treatment for injuries due to non-compliance by a subject with study procedures, or

(2) Research conducted for VA under a contract with an individual or a non-VA institution.

NOTE TO § 17.85(a)(1) AND (a)(2): Veterans who are injured as a result of participation in such research may be eligible for care from VA under other provisions of this part.

(b) Except in the following situations, care for VA research subjects under this section shall be provided in VA medical facilities.

(1) If VA medical facilities are not capable of furnishing economical care or are not capable of furnishing the care or services required, VA medical facility directors shall contract for the needed care.

(2) If inpatient care must be provided to a non-veteran under this section, VA medical facility directors may contract for such care.

(3) If a research subject needs treatment in a medical emergency for a condition covered by this section, VA medical facility directors shall provide reasonable reimbursement for the emergency treatment in a non-VA facility.

(c) For purposes of this section, “VA employee” means any person appointed by VA as an officer or employee and acting within the scope of his or her appointment (VA appoints officers and employees under title 5 and title 38 of the United States Code).

(Authority: 38 U.S.C. 501, 7303)

[63 FR 11124, Mar. 6, 1998]

#### VOCATIONAL TRAINING AND HEALTH-CARE ELIGIBILITY PROTECTION FOR PENSION RECIPIENTS

##### **§ 17.90 Medical care for veterans receiving vocational training under 38 U.S.C. chapter 15.**

Hospital care, nursing home care and medical services may be provided to any veteran who is participating in a vocational training program under 38 U.S.C. chapter 15.

(a) For purposes of determining eligibility for this medical benefit, the term *participating in a vocational training program under 38 U.S.C. chapter 15* means the same as the term *participating in a rehabilitation program under 38*